

SENATE BILL 619

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2004 Regular Session
4r2144
CF 4r1715

By: **Senators Conway, Brinkley, Currie, Della, Dyson, Exum, Forehand,
Giannetti, Green, Haines, Harris, Hogan, Hollinger, Hughes, Jimeno,
Jones, Lawlah, McFadden, and Pinsky**

Introduced and read first time: February 6, 2004

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Blind Industries and Services of Maryland - Powers and Duties**

3 FOR the purpose of transferring certain duties and responsibilities for the
4 administration of certain rehabilitation services from the Maryland State
5 Department of Education to the board of trustees of the Blind Industries and
6 Services of Maryland; requiring that certain funds be disbursed in a certain
7 manner and used for certain purposes; authorizing the Blind Industries and
8 Services of Maryland to be the licensing agency for certain persons and to
9 license certain persons to operate certain vending facilities; requiring a certain
10 number of the members of the board of trustees of the Blind Industries and
11 Services of Maryland to be blind; providing for the implementation of certain
12 provisions of this Act; and generally relating to the powers, duties, and
13 composition of the board of trustees of the Blind Industries and Services of
14 Maryland.

15 BY repealing and reenacting, with amendments,
16 Article 30 - Deaf, Mute or Blind
17 Section 3 through 5 and 8
18 Annotated Code of Maryland
19 (2003 Replacement Volume)

20 BY repealing and reenacting, with amendments,
21 Article - Education
22 Section 21-302
23 Annotated Code of Maryland
24 (2001 Replacement Volume and 2003 Supplement)

25 BY repealing
26 Article - Education
27 Section 21-304(c)
28 Annotated Code of Maryland

1 (2001 Replacement Volume and 2003 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article 30 - Deaf, Mute or Blind**

5 3.

6 (A) The board of trustees of Blind Industries and Services of Maryland is
7 authorized and empowered to apply such portion of their endowment fund and annual
8 income as they may deem expedient to establish training and employment centers
9 and to open a store for the sale of articles manufactured by the blind, and to extend
10 the benefits of such centers and store to the adult blind of this State not resident in
11 the institutions, on such terms and under such regulations as they may prescribe.

12 (B) THE BOARD OF TRUSTEES SHALL OVERSEE THE PROVISION OF
13 REHABILITATION SERVICES TO ELIGIBLE BLIND INDIVIDUALS IN THE STATE,
14 INCLUDING THE EXPENDITURE OF FUNDS PROVIDED IN THE STATE BUDGET FOR
15 SUCH SERVICES WHICH SHALL BE MATCHED WITH FEDERAL FUNDS PROVIDED IN
16 ACCORDANCE WITH THE REHABILITATION ACTS OF THE UNITED STATES CONGRESS.
17 4.

18 (A) There shall be maintained in Baltimore City, Maryland, a training and
19 employment center for the blind; and there may be centers located in other parts of
20 the State.

21 (B) FUNDS DISBURSED TO THE BOARD OF TRUSTEES IN ACCORDANCE WITH §
22 21-302 OF THE EDUCATION ARTICLE SHALL BE USED TO PROVIDE VOCATIONAL
23 REHABILITATION, INDEPENDENT LIVING, SUPPORTED EMPLOYMENT, AND OTHER
24 SERVICES AUTHORIZED IN THE REHABILITATION ACTS OF THE UNITED STATES
25 CONGRESS.

26 (C) IN ADMINISTERING THE SERVICES DESCRIBED IN SUBSECTION (B) OF
27 THIS SECTION, THE BOARD OF TRUSTEES SHALL COOPERATE WITH THE
28 APPROPRIATE FEDERAL AGENCIES AND DO ANYTHING NECESSARY TO SECURE THE
29 BENEFITS OF FEDERAL PROGRAMS.

30 5.

31 (a) General supervision and control of all such training and employment
32 centers AND REHABILITATION SERVICES shall be vested in a board of eleven trustees,
33 all of whom shall be appointed by the Governor, by and with the advice and consent of
34 the Senate.

35 (b) Of the 11 trustees, at least [4] 6 shall be blind.

36 (c) (1) The term of a member is 3 years.

1 (2) The terms of members are staggered as required by the terms
2 provided for members of the board on July 1, 1988.

3 (d) If a vacancy occurs on the board, it shall be filled for the unexpired term by
4 an appointment by the Governor with the advice and consent of the Senate.

5 (e) Trustees shall receive per diem compensation for each board or committee
6 meeting attended in the amount as provided in the State budget and shall be
7 reimbursed for expenses incurred while actually engaged in the performance of their
8 duties in accordance with Standard State Travel Regulations.

9 8.

10 (A) Any blind person of the age of 18 years or more, desiring to operate a
11 legitimate business of any kind to provide a livelihood for himself and dependents, if
12 any, may apply to Blind Industries and Services of Maryland.

13 (B) BLIND INDUSTRIES AND SERVICES OF MARYLAND SHALL:

14 (1) LICENSE BLIND PERSONS FOR A PRIORITY TO OPERATE VENDING
15 FACILITIES IN FEDERAL, STATE, COUNTY, AND MUNICIPAL BUILDINGS AND IN ALL
16 PRIVATELY OWNED BUILDINGS AND PREMISES IN THIS STATE IN THE EVENT OF
17 CONTRACT WITH SUCH PERSONS; AND

18 (2) SERVE AS THE STATE LICENSING AGENCY FOR BLIND PERSONS
19 PURSUANT TO 20 U.S.C. 107 ET. SEQ.

20

Article - Education

21 21-302.

22 (a) The State of Maryland assents to the federal acts.

23 (b) The State Treasurer shall:

24 (1) Be the custodian of any money received under the federal acts; and

25 (2) Disburse this money in accordance with the federal acts AND
26 SUBSECTION (D) OF THIS SECTION.

27 (c) The State Board of Education shall:

28 (1) Cooperate with the appropriate federal agencies in administering the
29 federal acts; and

30 (2) Do anything necessary to secure the benefits of the federal acts.

31 (D) (1) NOT LESS THAN 80% OF THE FUNDS RECEIVED UNDER THE FEDERAL
32 ACTS SHALL BE DISBURSED TO THE STATE BOARD OF EDUCATION FOR USE IN
33 ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

1 (2) NOT MORE THAN 20% OF THE FUNDS RECEIVED UNDER THE
2 FEDERAL ACTS SHALL BE DISBURSED TO THE BOARD OF TRUSTEES OF THE BLIND
3 INDUSTRIES AND SERVICES OF MARYLAND FOR USE IN ACCORDANCE WITH ARTICLE
4 30, §§ 4 AND 5 OF THE CODE.

5 (3) THE STATE BOARD OF EDUCATION AND THE BOARD OF TRUSTEES OF
6 THE BLIND INDUSTRIES AND SERVICES OF MARYLAND SHALL JOINTLY ESTABLISH,
7 AND MAY FROM TIME TO TIME REVISE, THE PERCENTAGE OF FUNDS TO BE
8 RECEIVED BY EACH ENTITY UNDER THIS SUBSECTION.

9 21-304.

10 [(c) The State Department of Education shall, in addition to licensing vending
11 facility managers in federal buildings in this State under § 21-302(c) pursuant to the
12 federal acts, license blind persons to manage vending facilities in all State, county,
13 and municipal buildings and in all privately owned buildings and premises in this
14 State in the event of contract with such person. The Division of Rehabilitation
15 Services in the State Department of Education shall be the licensing agency for all
16 vending facilities within this State licensed under this subtitle.]

17 SECTION 2. AND BE IT FURTHER ENACTED, That the provision of this Act
18 that increases the minimum number of blind members on the board of trustees of the
19 Blind Industries and Services of Maryland shall be implemented as vacancies occur
20 on the Board.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2004.